

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>AMOS TATE,</b>	)	
Plaintiff,	)	
	)	Civil Action No. 05-175 Erie
v.	)	
	)	
<b>MAYOR OF THE CITY OF ERIE, et al.,</b>	)	
Defendant.	)	

**ORDER OF COURT**

AND NOW, this 9<sup>h</sup> day of March, 2006, the amended complaint in the above-captioned action having been filed on September 9, 2005 and the Plaintiff having failed to effectuate service upon the Defendant, Magistrate Sue Mack within the time specified in Fed.R.Civ.P. 4(m),

IT IS HEREBY ORDERED that Plaintiff shall have ten (10) days from the date of this Order in which to show cause as to why this case should not be dismissed for failure to prosecute. Plaintiff is hereby advised that any further failure to respond will be interpreted as indicating his consent to a dismissal of this matter without prejudice.

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s/ Sean J. McLaughlin  
Sean J. McLaughlin  
United States District Judge

cc: counsel of record. nmk